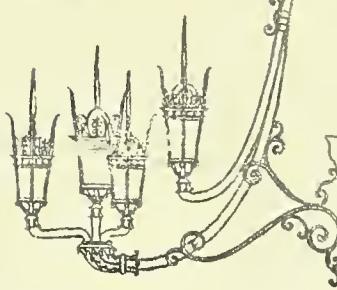


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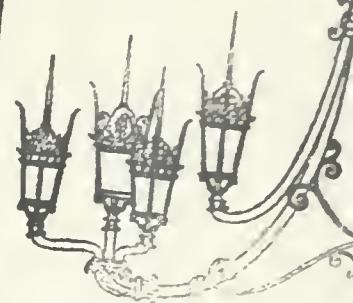
Modern Theatre

Study Report

June 4th, 2002



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1.0 LOCATION OF PROPERTY

1.1 Address:

523-525 Washington Street, Boston, Massachusetts

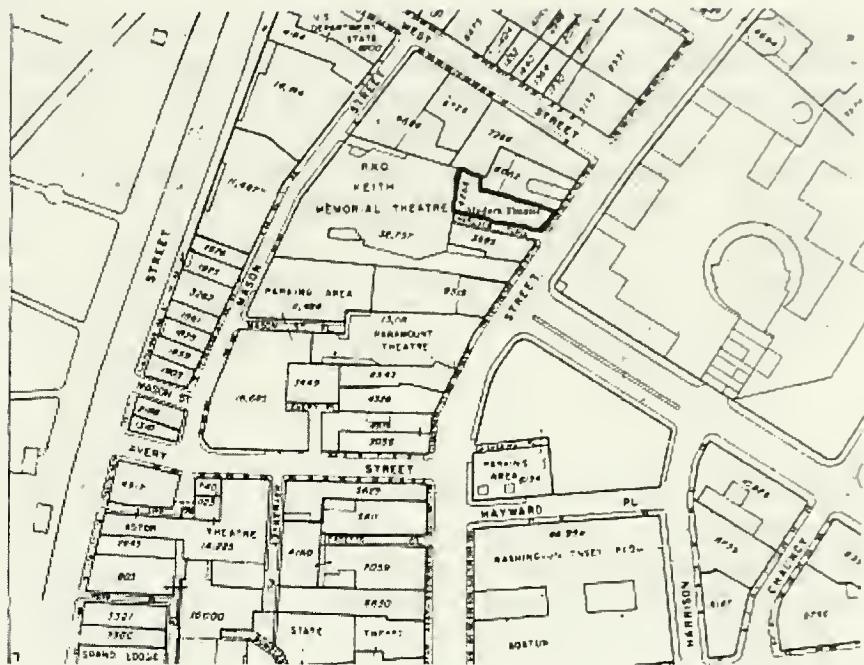
Assessor's parcel number:

Ward 3, Parcel 4828

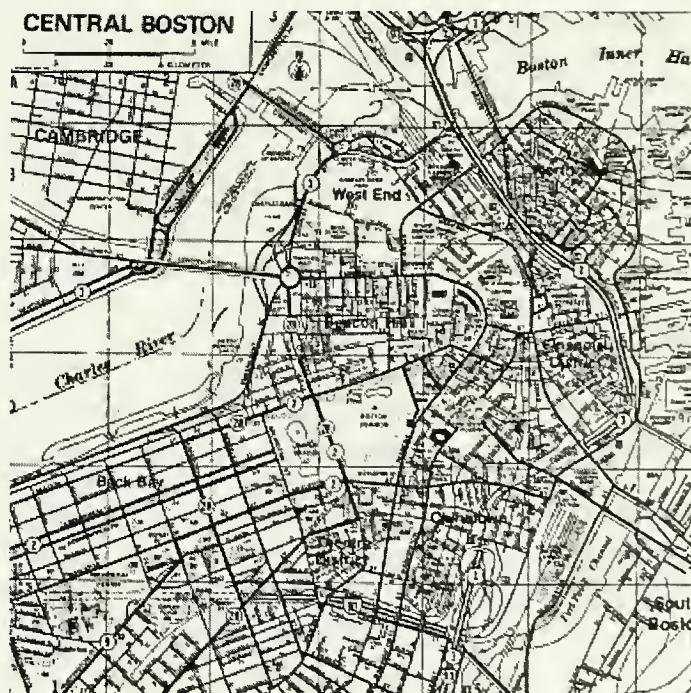
1.2 Area in Which Property is Located:

The Modern Theatre is located in the Theater District section of downtown Boston. The site, consisting of a total of 4,266 square feet, is located in the northeast portion of the block bounded by Washington Street, West Street, Mason Street, and Avery Street.

1.3 Map Showing Location



Boston Redevelopment Authority topographic map showing the Modern Theatre



The Modern Theatre (circled) in the context of Boston

2.0 DESCRIPTION

2.1 Type and Use

The Modern Theatre was built in 1876 to house two storefronts and furniture and carpet showrooms and storage. It was renovated in 1913 to accommodate a movie house, the first one in Boston, and did not originally contain a stage. From that point on, the building has been used for a variety of entertainment purposes, including adult films and as a performing arts center. The last attempt to restore the building was made in the late 1970s and the building has been owned by the same concern since the early 1980s, after the performing arts center failed. Currently, the building has been vacant for nearly 20 years and is in a state of severe neglect and disrepair.

2.2 Physical Description

The Modern Theatre is an irregular, L-shaped, polychromatic commercial building in the High Victorian Gothic style. It abuts and shares a party wall with the White Building (another Clarence Blackall design) and the Bigelow-Kennard Building on its north side, the Opera House on its west side, Harlem Place on the south side, and Washington Street on its east side. It is seven stories tall, with the seventh floor stepped back behind the parapet expressed as a small mansard roof. It is of masonry construction with wooden interior framing and an original sandstone façade and a marble façade on the theater portion of the building from the 1913 renovation. Above the mansard, the roof is flat and features several skylights and a small headhouse in the southwest corner.

The narrow main façade, facing east onto Washington Street, is three bays wide. The classical theater façade is executed in a semi-circular arched entrance made of Vermont marble. There are Corinthian pilasters on either side of the arch, with an architrave, frieze and denticulated cornice above. The frieze bears the inscription “Modern Theatre”. There is a small cast iron railing between the third and fourth floors that separates the marble portion of the façade from the sandstone portion. There are four tall, flat arched windows on each of the fourth, fifth and sixth floors – two in the center bay, which are slightly wider, and one in each of the flanking bays (all of which are boarded up). The Ohio sandstone façade features paired collonettes rising to a gable surmounted by a finial that extends slightly higher than the original roofline of the building. The gable was removed in May 2002 due to safety concerns. The seventh floor is set back behind a parapet wall that features two small round windows (which still contain glass) on either side of the gable. The façade returns around the south side of the building (the angle of which is greater than 90 degrees) approximately ten feet.

The south side of the building, facing Harlem Place, is the only other façade of the building that is readily visible. This façade features none of the ornamentation of

the main façade, other than the ten feet of the façade return and an additional, small entrance topped with a marble pediment just to the west of the façade return. Otherwise, this side is a solid masonry wall punctuated by an irregular fenestration pattern and a small iron fire escape with a ladder on the third floor. The windows are the same size as those on the main façade and many have been bricked over at least partially – the rest are completely open. There are between six and eight window openings on floors 1 through 6 with granite sills and lintels. A belt course differentiates the seventh floor, which also contains smaller, square windows.

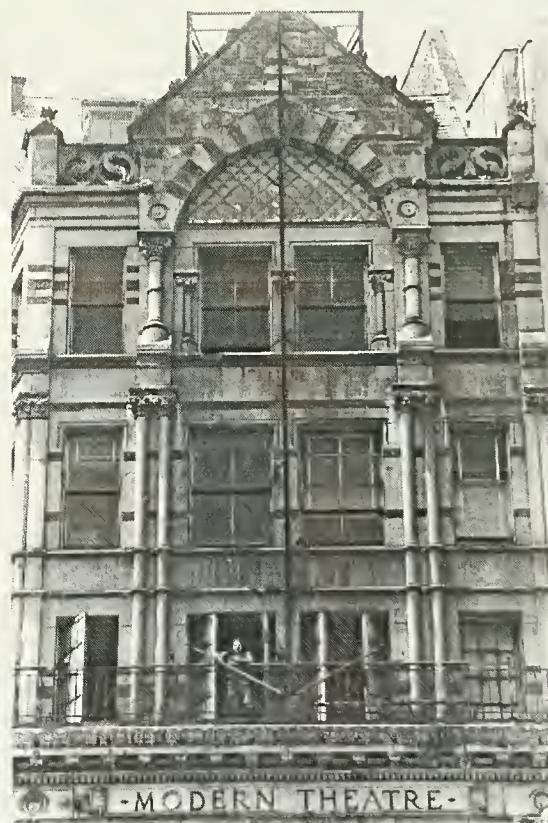
2.3 Photographs



Washington Street, looking south. The Modern Theatre is several buildings to the right of the Paramount marquee.



The façade of the Modern Theatre, as it appeared in 1915



Front façade of the Modern Theatre in the 1970s, including David Archer, who led the effort to restore the theater. (photo by Webb Nichols)



West side of Washington Street streetscape, including the Modern Theatre (third from the left)



The Modern Theatre (left of Crystal's), looking south on Washington Street



Front façade of the Modern Theatre



Detail of the front façade, including the arched top of the pediment that was removed



Harlem Place, the alley on the south side of the Modern Theatre



The roof of the Modern Theatre, from the west, with Washington Street in the background



Detail of the significantly-deteriorated top of the pedimented gable, in the midst of its removal



Interior view of the theater, demonstrating the extent of the damage inside



The seating area of the theater, showing the jumble of seats



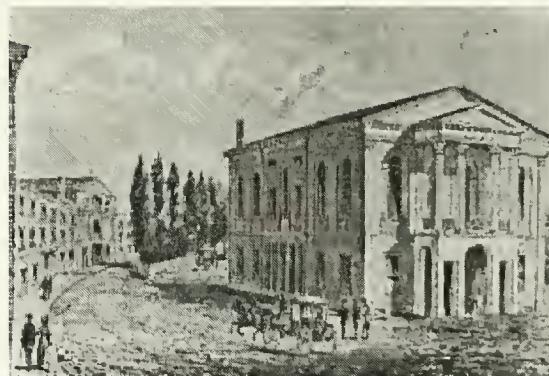
The balcony of the Modern Theater, from the main seating area



Another view of the balcony, showing some of the interior damage



The Boston Museum, opened in 1841, closed in 1893 and demolished in 1903



The first theater in Boston – the Federal Street Theatre, designed by Charles Bulfinch in 1794



A picture-postcard view of the Federal Street Theatre

3.0 SIGNIFICANCE

3.1 Historic Significance

While not as well known as other theater cities in America, like New York and Philadelphia, Boston has had a continuous theater presence since 1794. In that year, the Federal Street Theatre (later referred to as “Old Boston”), designed by the famous Boston architect Charles Bulfinch, opened on February 3rd at the corner of Federal and Franklin streets. The theater, which also contained a ballroom, was the first to cantilever the first tier of boxes, which removed support columns that had previously obstructed the views of some patrons. Bulfinch reconstructed the theater after a fire in 1798 and, after it suffered another fire in 1852, it was not rebuilt. The Federal Street Theatre was also significant in the new republic because it was designed by an architect, as opposed to a theater manager, and broke from the English tradition of the unadorned playhouse with the use of a more ornamental façade. The Federal Street Theatre was followed closely by the Haymarket Theatre (later the site of the demolished Tremont Theatre at 176 Tremont Street/28 Avery Street), which opened on December 26th, 1796, although this theater closed within a year.

The 19th century was a period of great expansion for American theater and Philadelphia led the way. Boston, however, continued to support the production and performance of theater. The Boston Museum and Gallery of Fine Arts opened in 1841 and contained a theater space (initially known as a “lecture hall”), in addition to pieces of art, wax figures, animal specimens, and other items. The management was sensitive to the inherent conservatism of Boston and did not have performances on Saturday or Sunday. The very name of the establishment was meant to ease the conscience of proper Bostonians who might not feel right about going to a theater.

The Boston Museum was successful for nearly the rest of the 19th century and eventually closed in 1893 and was torn down in 1903. By that point, however, the theater as an institution in Boston was well established and other companies and buildings had taken over. These included the Tremont Street Theatre, designed by Isaiah Rogers and opened in 1827, and the Boston Theatre, opened in 1854 near the present-day site of the Modern Theatre on Washington Street and on the site of the current Savoy Theater (Opera House).

This area of downtown Boston, located close to the Boston Common and on the edge of the central business district, soon became the unofficial “home” of the Boston theater community. After the mid-19th century, theater activity in Boston was concentrated in this area and it later witnessed the first showing of moving pictures and the birth of vaudeville. In addition to the Tremont and Boston theaters, many others were built in Boston, including the Howard Athenaeum (also designed by Rogers), the Lion Theater in 1836, the Orpheum in 1852

(designed by George Snell), Selwyn's in 1867, and the State Theatre in 1879. It was in this environment that the Modern Theatre opened in a converted commercial building on June 14th, 1914.

The first moving picture machine was known as the vitascope. It was first displayed in New York on April 23rd, 1896. Within a few weeks, the show moved on to many other American cities, including Boston on May 8th, followed by Camden, New Jersey, Hartford, Atlantic City, Philadelphia, etc. While it was initially shown in Boston, the vitascope ran at B.F. Keith's theater and remained in town for 12 weeks. Other versions of moving pictures quickly appeared on the scene, including the cinematograph, which was first demonstrated in Boston on August 10th, 1896, and the biograph, which first ran in Boston on January 11th, 1897. By 1914, the year the Modern Theatre opened, the moving picture business had caught on and many cities in America had theaters built specifically to show movies.

The building that houses the Modern Theatre was built in 1876 and designed by Levi Newcomb. It was originally called the Dobson Building and housed two cast iron storefronts and the carpet storage and warehouse of the Dobson Brothers, then the largest carpet manufacturers in the United States. In 1913, Boston businessman and philanthropist George White (who later endowed the White Fund, still used today by the City of Boston for beautification efforts) hired architect Clarence Blackall to convert the building into a theater. It was designed specifically for the exhibition of moving pictures, then a brand-new medium, and did not originally contain a stage. Blackall added a marble and sandstone addition to the main façade and inserted an 800-seat auditorium into the basement and first 3 stories of the building. The acoustics for the building were designed by Wallace Sabine, a physics professor at Harvard. He had previously designed the acoustics for Boston Symphony Hall in 1900 and is known as a founding father in the field of architectural acoustics. The international standard unit of measurement for sound absorption is known as the sabin in his honor. The Modern Theatre is the only known collaboration between Sabine and Blackall.

The Modern Theatre continued to show moving pictures, including the Boston premier of The Jazz Singer, the first talking picture, in 1928. The Modern also was the site of the first "double features", instituted to compete with newer, nearby theaters that were showing movies and vaudeville together. The initial admission price, for an hour-and- 45-minute performance, was 15¢ and the movies were accompanied by an Estey Organ built specifically for use in the theater – the first of this type installed in the eastern United States.

After operating for 35 years as the Modern Theatre, the building was renamed the Mayflower Theater on February 19th, 1949. It continued to show movies, although there is some speculation that vaudeville was also performed in the theater in the 1930s. By the early 1970s, the theater was showing pornographic films, mirroring

the decline in lower Washington Street, which had become known as the Combat Zone. In 1976, the building was purchased by David Archer and Modern Theatre, Inc., who began a rehabilitation project with the intent of returning the building to a theater use.

Archer proposed to divide the theater up into a 600-seat main theater and two 100-seat smaller spaces, and also to use part of the space for a roof garden, café, offices, an art gallery, rehearsal rooms, and a theater workshop. His intent was to have three to four events happening every day at the theater and to emphasize local talent and international performers. Much of the restoration work was performed by Archer himself, along with volunteers. May 8th, 1979 was the target date for opening night at the new Modern Theatre. The opening date was later revised to mid-December of 1978 and the first performance, by the musical group Sun Ra and his Arkestra and a light show called “Spacescapes”, actually occurred on December 19th, 1978.

The Modern Theatre continued to host less-traditional theater and musical acts, as well as more mainstream fare, including The Helium Mime Show, GHOST (a blend of mime, rock music, and slapstick comedy), and the plays “Survival” and “American Buffalo”, the first dramatic play ever at the Modern. There were even plans to host bands at the Modern Theatre in an effort to compete with more established clubs such as the Paradise.

By 1980, the theater was still struggling, but there had been 200 performances by visiting groups and plans were underway for the first full season by the Modern Theatre itself. Just one year later, however, Archer decided to switch his non-profit group to a for-profit organization in an effort to attract investors to the project. He proposed to renovate the top floors of the building into commercial or condominium space and to build a full-service bar above the main lobby. This proposal failed and the building was sold in the early 1980s to the Levin Family Trust, the current owner.

Since then, there has not been a single performance in the Modern Theatre. It has deteriorated significantly and is currently in danger of collapsing. Perhaps the history of the Modern Theatre can best be summarized by *The Fabulous Invalid*, a play from 1938. This production follows the deterioration of a grand theater building from its glamorous opening night – to its inglorious end as a derelict structure.

3.2 Architectural Significance

The building that houses the Modern Theatre experienced two distinct periods of construction and both are architecturally significant. The original building was called the Dobson Building and it was built in 1876, in the High Victorian Gothic style, just four years after the Great Fire of 1872 destroyed Boston’s nearby

central business district. Their seven-story commercial building housed two cast iron storefronts and the carpet storage and warehouse of the Dobson Brothers, then the largest carpet manufacturers in the United States. When the building became the Modern Theatre in 1913, the basement and the first three floors were converted into theater space and an elaborate marble and sandstone façade was added.

The architect for the original Dobson Building was Levi Newcomb, who had designed many buildings lost in the fire, as well as dormitory buildings at Tufts, Harvard and Dartmouth and the Boston and Lowell Railroad Terminal on Causeway Street in Boston. Newcomb practiced architecture in Boston from the mid-19th century until his death in 1898, later collaborating with his son on projects such as Felton Hall at Harvard. His practice also included other commercial buildings, schools, residences, and churches. The Dobson Building was built by contractor Nathaniel Adams.

In 1913, when the Dobson Building was converted to the Modern Theatre, the architect for the project was Clarence Blackall. Blackall was born in 1857 in Brooklyn, New York and attended the University of Illinois and the Ecole des Beaux Arts. He began practicing architecture in Boston in 1884 as a draftsman with the famous Boston firm Peabody & Stearns, but later left when he was awarded the prestigious Rotch Travelling Scholarship, the first American to win it. In 1889, Blackall returned to Boston and founded his firm Blackall, Clapp & Whittemore. He was made a fellow of the American Institute of Architects in 1891 and was one of the founders and first president of the Boston Architectural Center, then known as the Boston Architectural Club. During the late 19th century, Chicago was a center of architectural practice and theory and Blackall is noted as a direct link between Chicago and Boston.

Blackall and his firm designed many important buildings in Boston, including the Carter Winthrop Building (the first steel frame skyscraper in Boston in 1894), the Tremont Temple, the Little Office Building, the White Building (adjacent to the Modern at 515-21 Washington Street), the Hotel Avery, and several newspaper buildings – the Boston American, Boston Herald, and Boston Post. He was most famous, however, for his work with theaters. Blackall designed 13 theaters in Boston in addition to the Modern, including the Bowdoin Street Theatre in 1891, the first big commission won by the new firm, the Plymouth (Stuart Street – built in 1911, demolished in 1979) the Colonial (106 Boylston Street, 1899-1900), the Pilgrim (658 Washington Street – converted to a theater in 1911 and demolished ca. 1995), the Wilbur (244-250 Tremont Street, 1913-4), and the Metropolitan (252-272 Tremont Street, 1923-5 – later known as the Music Hall and now as the Wang Center for the Performing Arts).

3.3 Relationship to Criteria for Landmark Designation

Surveyed by the Boston Landmarks Commission in 1979 as part of the *Theater Area Survey*, the Modern Theatre was evaluated as a resource of local, regional and national significance. The theater is part of the Washington Street Theatre District that was listed on the National Register of Historic Places in 1979. The Modern Theatre meets the criteria for Landmark designation found in section four of Chapter 772 of the Acts of 1975 as amended, under the following criteria:

- B. *as a property identified prominently with an important aspect of the economic, social and political history of the city, the commonwealth, and the region.* The Modern Theatre is an important chapter in the long and illustrious history of theater in Boston. It was the first theater specifically designed for the showing of talking motion pictures. Therefore it is a valuable component of the economic and social history of the city.
- D. *as a property representative of elements of architectural design embodying distinctive characteristics of a type inherently valuable for study of a period, style or method of construction or development, or a notable work of an architect, landscape architect, designer, or builder.* The Modern Theatre was originally designed by Levi Newcomb, a well known Boston architect who also completed buildings for Harvard, Dartmouth and Tufts and also many buildings that were lost in the Great Fire of 1872. The original Dobson Building was a fine example of a High Victorian Gothic commercial building. The renovations in 1913 were designed by Clarence Blackall, a famous theater architect who worked on 14 Boston theaters. The insertion of the theater and the redesigned façade create a lively composition and contrast between the former Dobson Building and the later Modern Theatre. The renovation to the theater is also the only known collaboration between Blackall and Wallace Sabine, a physics professor at Harvard and an expert in architectural acoustics who also worked on Boston Symphony Hall. It is an excellent example of an early 20th century theater designed for the new medium of motion pictures.

4.0 ECONOMIC STATUS

4.1 Current Assessed Value

According to the City of Boston Assessor's records, the property located at 523-525 Washington Street, Boston, has a total assessed value of \$723,600.00, with the land valued at \$488,800.00 and the building at \$234,800.00.

4.2 Current Ownership

This property is owned by the Henry H. Levin Trusts located at 99 Chauncy Street, Box 459, Boston, Massachusetts 02112.

5.0 PLANNING CONTEXT

5.1 Background

The Modern Theatre was built in 1876 as furniture and carpet storage and warehouses above two storefronts. It was converted in 1913 to a theater, and was the first in Boston to be designed exclusively for the showing of films, as opposed to live performances, and did not contain a stage. It is an important component of the Washington Street streetscape in the theater district and a significant contributor to Boston's long and distinguished theater history.

5.2 Current Planning Issues

The Modern Theatre has been vacant for almost 20 years and has experienced significant structural and physical deterioration. According to the Inspectional Services Department and the owner's structural engineer and an independent consulting engineer, the structural integrity of the building is compromised in its current condition. Currently, the building is scaffolded on the Washington Street façade and the gable was removed in May 2002 due to public safety concerns.

The petition to the BLC for Landmark designation for the Modern Theatre was submitted on October 3rd, 2001 and accepted for further study on October 23rd, 2001. A design review application to remove the gable pediment at the parapet on the Washington Street façade was reviewed by the Commission on March 26, 2002. At that time, the Commission voted to continue the application until after an engineer representing Historic Boston Incorporated had had a chance to examine the building.

At the April 9th, 2002 meeting, the Commission voted to allow the gable to come down, as long as the stones were numbered and stored (this occurred in May 2002). They also voted to invoke the emergency 90-day landmark designation to protect the building. The owner applied to the BLC on May 28th, 2002 to demolish the entire building and store the façade materials. The Commission denied the application without prejudice pending the outcome of the June 25th, 2002 hearing for designation.

5.3 Current Zoning

Parcel 4828, Ward 3, located at 523-525 Washington Street, Boston is zoned in the Mid-town Cultural District and located in the Ladder Blocks and Washington Street Theater Protection Area.

6.0 ALTERNATIVE APPROACHES

6.1 Alternatives available to the Boston Landmarks Commission:

A. Individual Landmark Designation

Surveyed by the Boston Landmarks Commission in 1979 as part of the *Theater Area Survey*, the Modern Theatre was rated a II with national, regional, state, and local significance. The building is listed on the National Register of Historic Places as a contributing building to the Washington Street Theatre District. This study report confirms that the Modern Theatre is of sufficient importance to merit individual Landmark designation under Chapter 772 of the Acts of 1975, as amended. Designation of the Modern Theatre shall correspond to Assessor's parcel 4828, ward 3, and shall address the following exterior elements hereinafter referred to as the "Specified Exterior Features:"

- the Washington Street façade, the Harlem Place elevation, the theater roof (specifically in regard to the visibility of roof projections from Washington Street), and the granite sidewalk slabs.

B. Denial of Individual Landmark Designation

The Commission retains the option of not designating any or all of the Specified Exterior Features as a Landmark.

C. Preservation Restriction

The Commission could recommend the owner consider a preservation restriction for any or all of the Specified Exterior Features.

D. Preservation Plan

The Commission could recommend development and implementation of a preservation plan for the building.

E. National Register Listing

The Modern Theatre is listed on the National Register of Historic Places as a contributing building in the "Washington Street Theatre District".

6.2 Impact of Alternatives

A. Individual Landmark Designation

Landmark designation represents the City's highest honor and is therefore restricted to cultural resources of outstanding architectural and or historical significance. Landmark designation under Chapter 772 would require review of physical changes to the Specified Exterior Features of the property, in accordance with the standards and criteria adopted as part of the designation.

B. Denial of Individual Landmark Designation

Without Landmark designation, the City would be unable to offer protection to the Specified Exterior Features, or extend guidance to the owners under Chapter 772.

C. Preservation Restriction

Chapter 666 of the M.G.L. Acts of 1969, allows individuals to protect the architectural integrity of their property via a preservation restriction. A restriction may be donated to or purchased by any governmental body or non-profit organization capable of acquiring interests in land and strongly associated with historic preservation. These agreements are recorded instruments (normally deeds) that run with the land for a specific term or in perpetuity, thereby binding not only the owner who conveyed the restriction, but also subsequent owners. Restrictions typically govern alterations to exterior features and maintenance of the appearance and condition of the property.

D. Preservation Plan

A preservation plan would allow the owner to work with interested parties to investigate various adaptive use scenarios, analyze investment costs and rates of return, and provide recommendations for subsequent development.

E. National Register

National Register listing provides an honorary designation and limited protection from federal, federally-licensed or federally-assisted activities. It also creates incentives for preservation, notably the federal investment tax credit for historic rehabilitation and grants through the Massachusetts Preservation Projects Fund from the Massachusetts Historical Commission.

7.0 RECOMMENDATIONS

The Modern Theatre is significant on a national, state, regional, and local level. It was the first theater in Boston specifically designed for the showing of talking motion pictures and, as such, did not have a stage. It was used as a theater in some form from when it opened in 1913 until the early 1980s, since which it has been vacant and unused. The original building was designed by Levi Newcomb, a prolific Boston architect, and renovated for use as a theater by Clarence Blackall, a noted theater architect, and Wallace Sabine, a Harvard physics professor and expert in architectural acoustics who also worked on Boston Symphony Hall.

Therefore, the staff of the Boston Landmarks Commission recommends that the Modern Theatre be designated a Landmark under Chapter 772 of the Acts of 1975, as amended. Designation shall correspond to ward 3, parcel 4828 as depicted on the City of Boston Assessor's map, and shall address the Specified Exterior Features of the Modern Theatre, as described in Section 6.1A of this Study Report.

The Standards and Criteria for administering the regulatory functions provided for in Chapter 772 are attached.

8.0 GENERAL STANDARDS AND CRITERIA

8.1 Introduction

Per sections, 4, 5, 6, 7 and 8 of the enabling statute (Chapter 772 of the Acts of 1975 of the Commonwealth of Massachusetts, as amended) Standards and Criteria must be adopted for each Landmark Designation which shall be applied by the Commission in evaluating proposed changes to the property. The Standards and Criteria established thus note those features which must be conserved and/or enhanced to maintain the viability of the Landmark Designation. Before a Certificate of Design Approval or Certificate of Exemption can be issued for such changes, the changes must be reviewed by the Commission with regard to their conformance to the purpose of the statute.

The intent of these guidelines is to help local officials, designers and individual property owners to identify the characteristics that have led to designation, and thus to identify the limitation to the changes that can be made to them. It should be emphasized that conformance to the Standards and Criteria alone does not necessarily insure approval, nor are they absolute, but any request for variance from them must demonstrate the reason for, and advantages gained by, such variance. The Commission's Certificate of Design Approval is only granted after careful review of each application and public hearing, in accordance with the statute.

As intended by the statute a wide variety of buildings and features are included within the area open to Landmark Designation, and an equally wide range exists in the latitude allowed for change. Some properties of truly exceptional architectural and/or historical value will permit only the most minor modifications, while for some others the Commission encourages changes and additions with a contemporary approach, consistent with the properties' existing features and changed uses.

In general, the intent of the Standards and Criteria is to preserve existing qualities that cause designation of a property; however, in some cases they have been structured as to encourage the removal of additions that have lessened the integrity of the property.

It is recognized that changes will be required in designated properties for a wide variety of reasons, not all of which are under the complete control of the Commission or the owners. Primary examples are: Building code conformance and safety requirements; Changes necessitated by the introduction of modern mechanical and electrical systems; Changes due to proposed new uses of a property.

The response to these requirements may, in some cases, present conflicts with the Standards and Criteria for a particular property. The Commission's evaluation of an application will be based upon the degree to which such changes are in harmony with the character of the property. In some cases, priorities have been assigned within the Standards and Criteria as an aid to property owners in identifying the most critical design features. The treatments outlined below are listed in hierarchical order from least amount of intervention to the greatest amount of intervention. The owner, manager or developer should follow them in order to ensure a successful project that is sensitive to the historic landmark.

- ◆ **Identify, Retain, and Preserve** the form and detailing of the materials and features that define the historic character of the structure or site. These are basic treatments that should prevent actions that may cause the diminution or loss of the structure's or site's historic character. It is important to remember that loss of character can be caused by the cumulative effect of insensitive actions whether large or small.
- ◆ **Protect and Maintain** the materials and features that have been identified as important and must be retained during the rehabilitation work. Protection usually involves the least amount of intervention and is done before other work.
- ◆ **Repair** the character defining features and materials when it is necessary. Repairing begins with the least amount of intervention as possible. Patching, piecing-in, splicing, consolidating or otherwise reinforcing according to recognized preservation methods are the techniques that should be followed. Repairing may also include limited replacement in kind of extremely deteriorated or missing parts of features. Replacements should be based on surviving prototypes.
- ◆ **Replacement** of entire character defining features or materials follows repair when the deterioration prevents repair. The essential form and detailing should still be evident so that the physical evidence can be used to re-establish the feature. The preferred option is replacement of the entire feature in kind using the same material. Because this approach may not always be technically or economically feasible the commission will consider the use of compatible substitute material. The commission does not recommend removal and replacement with new material a feature that could be repaired.
- ◆ **Missing Historic Features** should be replaced with new features that are based on adequate historical, pictorial and physical documentation. The commission may consider a replacement feature that is compatible with the remaining character defining features. The new design should match the scale, size, and material of the historic feature.
- ◆ **Alterations or Additions** that may be needed to assure the continued use of the historic structure or site should not radically change, obscure or destroy character defining spaces, materials, features or finishes. The commission encourages new uses that are compatible with the historic structure or site and that do not require major alterations or additions.

In these guidelines the verb **Should** indicates a recommended course of action; the verb **Shall** indicates those actions which are specifically required to preserve and protect significant architectural elements.

Finally, the Standards and Criteria have been divided into two levels:

- ◆ **Section 8.3** - Those general ones that are common to all landmark designations (building exteriors, building interiors, landscape features and archeological sites).
- ◆ **Section 9.0** - Those specific ones that apply to each particular property that is designated. In every case, the Specific Standards and Criteria for a particular property shall take precedence over the General ones if there is a conflict.

8.2 Levels of Review

The Commission has no desire to interfere with the normal maintenance procedures for the landmark. In order to provide some guidance for the landmark owner, manager or developer and the Commission, the activities that might be construed as causing an alteration to the physical character of the exterior have been categorized into:

A. Routine activities that are not subject to review by the Commission:

1. Activities associated with routine maintenance, including such items as: Housekeeping, pruning, fertilizing, mulching, etc.
2. Routine activities associated with seasonal installations that do not result in any permanent alterations or attached fixtures.

B. Activities which may be determined by the Executive Director to be eligible for a Certificate of Exemption:

1. Ordinary maintenance and repair involving no change in design, material, color and outward appearance, including such items as: Major cleaning programs (including chemical surface cleaning), repainting, planting or removal of limited number of trees or shrubs, major vegetation management.
2. In-kind replacement or repair.

C. Activities requiring Landmarks Commission review:

Any reconstruction, restoration, replacement, alteration or demolition (this includes, but is not limited to, surface treatments, fixtures and ornaments) such as: New construction of any type; removal of existing features or element; any alteration involving change in design, material color, location or

outward appearance; major planting or removal of trees or shrubs, changes in landforms.

D. Activities not explicitly listed above:

In the case of any activity not explicitly covered in these Standards and Criteria, the Executive Director shall determine whether an application is required and if so, whether it shall be an application for a Certificate of Design Approval or Certificate of Exemption.

E. Concurrent Jurisdiction

In some cases, issues which fall under the jurisdiction of the Landmarks Commission may also fall under the jurisdiction of other city, state and federal boards and commissions such as the Boston Art Commission, the Massachusetts Historical Commission, the National Park Service and others. All efforts will be made to expedite the review process. Whenever possible and appropriate, a joint hearing will be arranged.

8.3 General Standards and Criteria

1. The design approach to the property should begin with the premise that the features of historical and architectural significance described within the Study Report must be preserved. In general, this will minimize alterations that will be allowed.
2. Changes and additions to the property and its environment that have taken place in the course of time are evidence of the history of the property and the neighborhood. These changes to the property may have developed significance in their own right, and this significance should be recognized and respected. (The term "**later contributing features**" shall be used to convey this concept.)
3. Deteriorated materials and/or features, whenever possible, should be repaired rather than replaced or removed.
4. When replacement of features that define the historic character of the property is necessary, it should be based on physical or documentary evidence of original or later contributing features.
5. New materials should, whenever possible, match the material being replaced in physical properties and should be compatible with the size, scale, color, material and character of the property and its environment.

6. New additions or alterations should not disrupt the essential form and integrity of the property and should be compatible with the size, scale, color, material and character of the property and its environment.
7. New additions or related new construction should be differentiated from the existing thus, they should not necessarily be imitative of an earlier style or period.
8. New additions or alterations should be done in such a way that if they were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.
9. Priority shall be given to those portions of the property which are visible from public ways or which it can be reasonably inferred may be in the future.
10. Surface cleaning shall use **the mildest method possible**. Sandblasting, **wire brushing, or other similar abrasive cleaning methods shall not be permitted.**
11. Should any major restoration or construction activity be considered for the property, the Boston Landmarks Commission recommends that the proponents prepare an historic building conservation study and/or consult a materials conservator early in the planning process.
12. Significant archeological resources affected by a project shall be protected and preserved.

The General Standards and Criteria has been financed in part with funds from the National Park Service, U.S. Department of the Interior, through the Massachusetts Historical Commission, Secretary of State William Francis Galvin, Chairman.

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9.0 EXTERIORS - SPECIFIC STANDARDS AND CRITERIA

9.1 Introduction

1. In these guidelines the verb **Should** indicates a recommended course of action; the verb **Shall** indicates those actions which are specifically required to preserve and protect significant architectural elements.
2. The intent of these standards and criteria is to preserve the main facade of the building and the façade return on Harlem Place and preserve the scale and form of the existing building and the Washington Street streetscape. The Landmarks Commission proposes flexible guidelines in support of these goals.
3. The standards and criteria acknowledge that there will be changes to the exterior of the building and are intended to make the changes sensitive to the architectural character of the building.
4. The Washington Street façade, the Harlem Place elevation, the theater roof (specifically in regard to the visibility of roof projections from Washington Street), and the granite sidewalk slabs are subject to the terms of the exterior guidelines herein stated.
5. Items under Commission review include but are not limited to the following:

9.2 Exterior Walls

A. General

Due to the building's current deteriorated physical and structural condition, the Commission acknowledges that only the façade might be preserved. In order to address public safety, the Commission might allow recordation, removal and storage of façade materials for later reconstruction on a new building.

1. No new openings shall be allowed on the Washington Street façade or on the façade return on Harlem Place.
2. No original existing openings shall be filled or changed in size on the Washington Street façade.
3. No exposed conduit shall be allowed.

4. The original projecting gable on the Washington Street façade shall be replaced.
5. The Boston Landmarks Commission recommends that work proposed to the materials outlined in section B be executed with the guidance of a professional building materials conservator.

B. Masonry (Brick, Stone, Terra Cotta, Concrete, Stucco and Mortar)

1. Original or later contributing masonry materials, features, details, surfaces and ornamentation, such as marble, sandstone, red sandstone, or granite sidewalk slabs, shall be retained and, if necessary, repaired by patching, piecing-in, or consolidating the masonry using recognized preservation methods.
2. Deteriorated or missing masonry materials, features, details, surfaces and ornamentation, such as marble, sandstone, red sandstone, or granite sidewalk slabs, shall be replaced with material and elements which match the original in material, color, texture, size, shape, profile and detail of installation.
3. When replacement of materials or elements is necessary, it should be based on physical or documentary evidence.
4. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
5. Original mortar shall be retained.
6. Deteriorated mortar shall be carefully removed by hand-raking the joints.
7. Use of mechanical saws and hammers shall not be allowed.
8. Repointing mortar shall duplicate the original mortar in strength, composition, color, texture, joint size, joint profile and method of application.
9. Sample panels of raking the joints and repointing shall be reviewed and approved by the staff of the Boston Landmarks Commission.
10. Cleaning of masonry is discouraged and should be performed only when necessary to halt deterioration.
11. If the building is to be cleaned, **the mildest method possible** shall be used.

12. A test patch of the cleaning method(s) shall be reviewed and approved on site by staff of the Boston Landmarks Commission. Test patches should always be carried out well in advance of cleaning (including exposure to all seasons if possible).
13. **Sandblasting (wet or dry), wire brushing, or other similar abrasive cleaning methods shall not be permitted.** Doing so changes the visual quality of the material and accelerates deterioration.
14. Waterproofing or water repellents are strongly discouraged. These treatments are generally not effective in preserving masonry and can cause permanent damage. The Commission does recognize that in extraordinary circumstances their use may be required to solve a specific problem. Samples of any proposed treatment shall be reviewed by the Commission before application.
15. In general, painting masonry surfaces shall not be allowed. Painting masonry surfaces will be considered only when there is documentary evidence that this treatment was used at some point in the history of the property.

9.3 Windows

1. The original window design and arrangement of window openings on the Washington Street façade shall be retained.
2. Enlarging or reducing window openings for the purpose of fitting stock (larger or smaller) window sash or air conditioners shall not be allowed.
3. The installation of permanent fixed panels to accommodate air conditioners shall not be allowed.
5. Original or later contributing window elements, features (functional and decorative), details and ornamentation shall be retained and, if necessary, repaired by patching, splicing, consolidating or otherwise reinforcing using recognized preservation methods.
6. Deteriorated or missing window elements, features (functional and decorative), details and ornamentation shall be replaced with material and elements which match the original in material, color, texture, size, shape, profile, configuration and detail of installation.
7. When replacement is necessary, it should be based on physical or documentary evidence.

8. Aluminum, vinyl, metal clad or vinyl clad replacement sash shall not be allowed.
9. Simulated muntins, including snap-in, surface-applied, or between-glass grids shall not be allowed.
10. Tinted or reflective-coated glass (i.e.: low "e") shall not be allowed.
11. Metal or vinyl panning of the wood frame and molding shall not be allowed.
12. Only clear single-paned glass shall be allowed in multi-light windows since insulating glass in multi-light windows will exaggerate the width of the muntins.
13. Exterior combination storm windows may be allowed provided the installation has a minimal visual impact. However, use of interior storm windows is encouraged.
14. Exterior combination storm windows shall have a narrow perimeter framing that does not obscure the glazing of the primary window. In addition, the meeting rail of the combination storm window shall align with that of the primary window.
15. Storm window sashes and frames shall have a painted finish that matches the primary window sash and frame color.
16. Clear or mill finished aluminum frames shall not be allowed.
17. Exterior storm windows shall not be allowed for arched windows, leaded glass, faceted frames, or bent (curved) glass.
18. Window frames, sashes and blinds (shutters) should be of a color based on paint seriation studies. If an adequate record does not exist repainting shall be done with colors that are appropriate to the style and period of the building.

9.4 Entrances/Doors

Refer to Section 9.2 B regarding treatment of materials and features.

1. The original recessed entrance design and arrangement of door openings as shown in the 1915 photograph should be restored.

2. Original or later contributing entrance materials, elements, details and features (functional and decorative) shall be retained and, if necessary, repaired by patching, splicing, consolidating or otherwise reinforcing using recognized preservation methods.
3. Deteriorated or missing entrance elements, materials, features (functional and decorative) and details shall be replaced with material and elements which match the original in material, color, texture, size, shape, profile, configuration and detail of installation.
4. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
5. Original or later contributing entrance materials, elements, features (functional and decorative) and details shall not be sheathed or otherwise obscured by other materials.
6. Only paneled doors of appropriate design, material and assembly shall be allowed.
7. Flush doors (metal, wood, vinyl or plastic), sliding doors and metal paneled doors shall not be allowed.
8. Entry lighting shall be located in traditional locations (e.g., suspended from the vestibule ceiling, or attached to the side panels of the entrance.).
9. Light fixtures shall not be affixed to the face of the building.
10. Light fixtures shall be of a design and scale that is appropriate to the style and period of the building and should not imitate styles earlier than the building. Contemporary light fixtures will be considered, however.
11. Buzzers, alarms and intercom panels shall be flush mounted inside the recess of the entrance and not on the face of the building.
12. Entrance elements should be of a color based on paint seriation studies. If an adequate record does not exist repainting shall be done with colors that are appropriate to the style and period of the building/entrance.

9.5 Ironwork

(includes Fire Escapes, Balconies and Window Grilles.)

1. The cast-iron balcony railing above the theater portion of the building shall be preserved.

2. Original or later contributing ironwork materials, elements, features (functional and decorative), details and ornamentation shall be retained and, if necessary, repaired by patching, splicing or reinforcing using recognized preservation methods.
3. Deteriorated or missing ironwork materials, elements, features (functional and decorative), details and ornamentation shall be replaced with material and elements which match the original in material, color, texture, size, shape, profile, configuration and detail of installation.
4. When replacement is necessary, it should be based on physical or documentary evidence.
5. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
6. Original or later contributing ironwork materials, elements, features (functional and decorative), details and ornamentation shall not be sheathed or otherwise obscured by other materials.
7. New balconies shall not be permitted on primary elevations.
8. New balconies may be considered on secondary elevations if they are required for safety and an alternative egress route is clearly not possible.
9. Fixed diagonal fire stairways shall not be allowed.
10. The installation of security grilles may be allowed.
11. Window grilles shall be mounted within the window reveal and secured into the mortar joints rather into the masonry or onto the face of the building.
12. Window grilles shall have pierced horizontal rails or butt-welded joints.
13. Overlapping welded joints shall not be allowed.
14. Window grilles shall not project beyond the face of the building.
15. Ironwork elements should be of a color based on paint seriation studies. If an adequate record does not exist repainting shall be done with colors that are appropriate to the style and period of the building/entrance.
16. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.

17. Cleaning of metal elements either to remove corrosion or deteriorated paint shall use **the mildest method possible**.
18. Abrasive cleaning methods, such as low pressure dry grit blasting, may be allowed as long as it does not abrade or damage the surface.
19. A test patch of the cleaning method(s) shall be reviewed and approved on site by staff of the Boston Landmarks Commission. Test patches should always be carried out well in advance of cleaning (including exposure to all seasons if possible).
20. Cleaning to remove corrosion and paint removal should be considered only where there is deterioration and as part of an overall maintenance program which involves repainting or applying other appropriate protective coatings. Paint or other coatings help retard the corrosion rate of the metal. Leaving the metal bare will expose the surface to accelerated corrosion.
21. Repainting should be based on paint seriation studies. If an adequate record does not exist repainting shall be done with colors that are appropriate to the style and period of the building.

9.6 Roofs, Roof Projections, Additions, and/or Related New Construction (includes Penthouses, Roof Decks, Mechanical or Electrical Equipment, Satellite Dishes, Antennas and other Communication Devices)

1. Due to the deteriorated condition of the Modern Theatre, these guidelines will assist the Commission in reviewing new construction on the site. The basic criteria which shall govern a new roof plane include:
 - a. The integrity of the original or later integral roof shape.
 - b. Height of the original and new building.
 - c. Prominence of the original and new roof form.
 - d. Visibility of the proposed addition above the original roof plane.
2. Minimizing or eliminating the visual impact of the addition or new construction is the general objective.
3. An exterior addition should only be considered after it has been determined that the existing building cannot meet the new space requirements. Additions can significantly alter the historic appearance of the building.

4. New additions or related new construction shall be designed so that the character defining features of the building are not radically changed, obscured, damaged or destroyed.
5. New additions or related new construction should be designed so that they are differentiated from the existing building thus, they should not necessarily be imitative of an earlier style or period.
6. New additions shall be of a size, scale and of materials that are in harmony with the historic building.
7. Additional stories shall be set back from the Washington Street wall plane and shall be as inconspicuous and minimally visible from a public way as possible.
8. No additions will be allowed out from the original Harlem Place elevation into the alleyway.

9.7 Signs, Marquees and Awnings

Refer to Sections 9.3 and 9.4 for additional Standards and Criteria that may apply.

1. Signs are viewed as the most appropriate vehicle for imaginative and creative expression, especially in a structure being reused for a purpose different from the original, and it is not the Commission's intent to stifle a creative approach to signage.
2. Signs, marquees and awnings integral to the building ornamentation or architectural detailing shall be retained and repaired where necessary.
3. Approval of a given sign or awning shall be limited to the owner of the business or building and shall not be transferable; signs shall be removed or resubmitted for approval when the operation or purpose of the advertised business changes.
4. New signs, marquees and awnings shall not detract from the essential form of the building nor obscure its architectural features.
5. New signs, marquees and awnings shall be of a size and material compatible with the building and its current use.
6. The design and material of new signs marquees and awnings should reinforce the architectural character of the building.

7. Signs, marquees and awnings applied to the building shall be applied in such a way that they could be removed without damaging the building.
8. All signs added to the building shall be part of one system of design, or reflect a design concept appropriate to the communication intent.
9. Lettering forms or typeface will be evaluated for the specific use intended, but generally shall be either contemporary or relate to the period of the building or its later contributing features.
10. Lighting of signs shall be evaluated for the specific use intended, but generally illumination of a sign shall not dominate illumination of the building.
11. No back-lit or plastic signs shall be allowed on the exterior of the building.
12. The placement and configuration of awnings should relate to the facade openings so as not to obscure architectural details.
13. Continuous awnings across multiple windows or wrapping the surfaces of a bay shall not be allowed.
14. Individual awnings shall be mounted within the masonry window opening.
15. Shed-roofed awnings are preferable to those with quarter-round or bull-nosed profiles.
16. Valances shall be flexible, i.e., their bottom edges shall hang free rather than be attached to a horizontal framing member. Rigid valances tend to impart an excessively permanent architectural quality to a fabric-clad building element.

9.8 Exterior Lighting

Refer to Section 9.2 regarding treatment of materials and features. Refer to Section 9.4 for additional Standards and Criteria that may apply.

1. There are three aspects of lighting related to the exterior of the building:
 - a. Lighting fixtures as appurtenances to the building or elements of architectural ornamentation.
 - b. Quality of illumination on building exterior
 - c. Interior lighting as seen from the exterior.

2. Wherever integral to the building, original or later contributing lighting fixtures shall be retained and, if necessary, repaired by patching, piecing-in or reinforcing the lighting fixture using recognized preservation methods.
3. Deteriorated or missing lighting fixture materials, elements, features (functional and decorative), details and ornamentation shall be replaced with material and elements which match the original in material, color, texture, size, shape, profile, configuration and detail of installation.
4. When replacement is necessary, it should be based on physical or documentary evidence.
5. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
6. Original or later contributing lighting fixture materials, elements, features (functional and decorative), details and ornamentation shall not be sheathed or otherwise obscured by other materials.
7. Supplementary illumination may be added where appropriate to the current use of the building.
8. New lighting shall conform to any of the following approaches as appropriate to the building and to the current or projected use:
 - a. Accurate representation of the original period, based on physical or documentary evidence.
 - b. Retention or restoration of fixtures that date from an interim installation and are considered to be appropriate to the building and use.
 - c. New lighting fixtures which are differentiated from the original or later contributing fixture in design and which illuminate the exterior of the building in a way which renders it visible at night and compatible with its environment.
 - d. The new exterior lighting location shall fulfill the functional intent of the current use without obscuring the building form or architectural detailing.
9. Interior lighting shall only be reviewed when its character has a significant effect on the exterior of the building; that is, when the view of the illuminated fixtures themselves, or the quality and color of the light they produce, is clearly visible through the exterior fenestration.
10. No exposed conduit shall be allowed.

11. As a Landmark, architectural night lighting is recommended.

9.10 Landscape/Building Site

Refer to Section 9.2 B regarding treatment of materials and features.

1. The general intent is to preserve the existing or later contributing landscape features that enhance the landmark property.
2. All granite sidewalk shall be preserved.
3. Original or later contributing site features (decorative and functional), materials, elements, details and ornamentation shall be retained and, if necessary, repaired using recognized preservation methods.
4. Deteriorated or missing site features (decorative and functional), materials, elements, details and ornamentation shall be replaced with material and elements which match the original in material, color, texture, size, shape, profile and detail of installation.
5. When replacement is necessary, it should be based on physical or documentary evidence.
6. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.
7. New additions/alterations to the site (such as: parking lots, loading docks, ramps, etc.) shall be as unobtrusive as possible and preserve any original or later contributing site features.
8. Removal of non-historic site features from the existing site is encouraged.
9. The exiting landforms of the site shall not be altered unless shown to be necessary for maintenance of the landmark or site. Additional landforms will only be considered if they will not obscure the exterior of the landmark.
9. Original layout and materials of the walks, steps, and paved areas should be maintained. Consideration will be given to alterations if it can be shown that better site circulation is necessary and that the alterations will improve this without altering the integrity of the landmark.

9.11 Accessibility

Refer to Sections 9.2 A and B regarding treatment of materials. Refer to Sections 9.3, 9.4 and 9.6 for additional Standards and Criteria that may apply.

1. A three-step approach is recommended to identify and implement accessibility modifications that will protect the integrity and historic character of the property:
 - a. Review the historical significance of the property and identify character-defining features;
 - b. Assess the property's existing and required level of accessibility;
 - c. Evaluate accessibility options within a preservation context.
2. Because of the complex nature of accessibility the commission will review proposals on a case by case bases. The commission recommends consulting with the following document which is available from the commission office:

U.S. Department of the Interior, National Park Service, Cultural Resources, Preservation Assistance Division; **Preservation Brief 32 "Making Historic Properties Accessible"** by Thomas C. Jester and Sharon C. Park, AIA.

The Exteriors - Specific Standards and Criteria has been financed in part with funds from the National Park Service, U.S. Department of the Interior, through the Massachusetts Historical Commission, Secretary of State William Francis Galvin, Chairman.

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